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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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IN THE MATTER OF COMPLAINT OF
DELAWARE BAY LAUNCH SERVICE, INC. AS
OWNER OF "BREAKWATER," A 48-FOOT 1976
CREWBOAT, FOR EXONERATION FROM OR
LIMITATION OF LIABILITY
-----X

CIVIL ACTION
IN ADMIRALTY

No.

05-505

FILED
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2006 SEP 26 AM 9:43

**RESTRAINING ORDER, ORDER FOR ISSUANCE OF
MONITION AND ORDER THAT CLAIMS BE FILED WITH CLERK**

A Complaint having been filed herein by Delaware Bay Launch Service, Inc. ("Petitioner"), as owner of the "BREAKWATER," a certain 48-foot 1976 crewboat built by Breaux Bay Craft (hereinafter "the Vessel"), claiming exoneration from or limitation of liability as provided for by the Revised Statutes of the United States and the various statutes supplementary to and amendatory thereof, contesting the liability of Petitioner for any and all alleged injuries, losses, or damage, occasioned by or resulting from the incident described in the Complaint herein, and also stating the facts and circumstances upon which exoneration from or limitation of liability are claimed, and it appearing that claims have been or will be made against Petitioner for losses, damages, or injuries alleged to have resulted in consequence of the incident described in the Complaint;

NOW, on Motion of Palmer Biezup & Henderson LLP, attorneys for Petitioner, it is

ORDERED that a Monition issue out of and under the seal of this Court citing all persons asserting claims with respect to which the Complaint seeks exoneration or limitation and admonishing them to file their claim with the Clerk of this Court at J. Caleb Boggs Federal Building, 844 N. King Street, Wilmington, DE 19801 within forty-five (45) days of the entry of this Order,

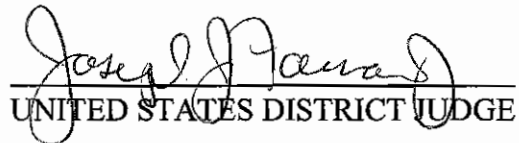
and to serve upon or mail to Palmer Biezup & Henderson LLP, 1223 Foulk Road, Wilmington, DE 19803, the attorneys for Petitioner, a copy thereof, on or before the same date, or be defaulted; and it is further

ORDERED that any and all suits, actions or proceedings of any nature or description whatsoever which have already been commenced against Petitioner and/or against the Vessel except in the present proceedings, in respect of any claim arising out of, occasioned by, consequent upon, connected with or arising during the incident described in the Complaint are hereby stayed and restrained until the hearing and determination of this proceeding; and it is further

ORDERED that upon the signing of this Order, the commencement of any suit, action or proceeding of any nature or description whatsoever against Petitioner and/or against the Vessel, except in the present proceedings, in respect of any claim arising out of, occasioned by, consequent upon, connected with or arising during the voyage upon which the Vessel was then engaged, is hereby enjoined until the hearing and determination in this proceeding; and it is further

ORDERED that notice of the Complaint for Exoneration from or Limitation of Liability and the Monition pursuant thereof be given as provided by Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure by publication of a notice, in the form attached hereto, in the *Milford Chronicle* once each week for four successive weeks, and that the first publication of said Notice be at least thirty (30) days before the return date specified above and that Petitioner, not later than the date of the second publication, shall mail a copy of said Notice, together with a copy of this Order, to all persons who at the time of making this Order are known by Petitioner to have made any claim against the Vessel or Petitioner arising out of the

proceeding, or in cases where such claimants are known by Petitioner to be represented by counsel, to their respective attorneys.


UNITED STATES DISTRICT JUDGE

Dated: 10/12/06